

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Project Name: Amendments to the Land Use Code to clarify and add regulations pertaining to telecommunication devices regulated by City of Seattle

Applicant Name: City of Seattle - Department of Design, Construction and Land Use

Address of Proposal: City of Seattle, State of Washington

SUMMARY OF PROPOSED ACTION

The proposal is to amend the Shoreline District Chapter of the Land Use Code (SMC Title 23) to add and modify regulations for telecommunications devices and infrastructure. The modifications and additional regulations within the Shoreline District address height limits, location and placement of devices, where types of facilities are allowed, review processes based on type of devices, mitigation of visual impacts, and special regulations due to proximity to landmarks and/or historic structures.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☒ DNS involving non-exempt grading, or demolition, or
 another agency with jurisdiction.

Background

In August 1999 a SEPA checklist was originally prepared on this proposal, followed by a Determination of Non Significance (DNS) issued August 26, 1999. This DNS was ultimately appealed by Seattleites for Appropriate Antennas in our Neighborhoods (SAANE) and was heard by Anne Watanabe, Deputy Hearings Examiner (File W-99-010) on December 13, 1999. Following a finding by Ms. Watanabe that affirmed the issuance of a DNS, the City did not proceed with adoption of the proposed code changes that were the subject of that review. Since that time, staff has developed additional code revisions. These revisions, along with the underlying revisions that were the subject of the referenced SEPA review, were made available for public review on or about December 7, 2000, with the public comment period closing on January 12, 2001.

The Proposal

The proposal is to amend the Shoreline District zoning regulations (SMC 23.60) of the Land Use Code that provide regulations concerning both Minor and Major Communication Utilities and associated infrastructure related to these facilities. The regulations are designed to provide specific reference to the uses and development standards codified under SMC 23.57, Telecommunications, as well as providing further regulation and clarification of the existing standards. The following land use sections of the Seattle Municipal Code would be amended:

Chapter 23.60, Shoreline District

- 23.60.394, Height in CR Environment
- 23.60.420, Uses permitted outright on waterfront lots in the CM environment
- 23.60.484, Special uses in the CW environment
- 23.60.488, Prohibited uses in the CW environment
- 23.60.544, Prohibited uses on waterfront in the UR environment
- 23.60.572, Height in the UR environment
- 23.60.600, Uses permitted outright on waterfront lots in US environment
- 23.60.606, Prohibited uses on waterfront lots in the US environment
- 23.60.632, Height in the US environment
- 23.60.660, Uses permitted outright on waterfront lots in the UH environment
- 23.60.662, Special uses permitted on waterfront lots in the UH environment
- 23.60.668, Prohibited uses on waterfront lots in the UH environment
- 23.60.692, Height in the UH environment
- 23.60.728, Prohibited uses on waterfront lots in the UM environment
- 23.60.730, Prohibited uses on upland lots in the UM environment
- 23.60.752, Height in the UM environment
- 23.60.780, Uses permitted outright on waterfront lots in the UG environment
- 23.60.786, Prohibited principal uses on waterfront lots in the UG environment
- 23.60.812, Height in the UG environment
- 23.60.840, Uses permitted outright on waterfront lots in the UI environment
- 23.60.848, Principal uses prohibited on waterfront lots in the UI environment
- 23.60.872, Height in the UI environment
- 23.60.906, Definitions – “C”

The revisions proposed for these code sections are designed to provide both clarification by consolidating review and development regulations under one code section – SMC 23.57, Telecommunications. These new regulations provide the following:

- Development standards and exemptions based on size, function and associated Shoreline Designation
- Prohibition of Major and Minor Communication Utilities in certain Shoreline Designations
- Further distinction between allowed types of telecommunication devices and/or infrastructure in certain Shoreline Designations
- Further definition and distinction of types of telecommunication facilities and devices, with new application in certain zones
- Reference to expanded definitions, development regulations and review criteria for Personal Wireless Facilities, Amateur Radio Towers, Dish Antennas, Minor Communication Utilities, Accessory Communication Devices, Freestanding transmission Towers and all other telecommunication devices and infrastructure regulated under the SMC
- Expanded and new definitions of telecommunication devices and infrastructure

Public Comment

As referenced, the initial review period on proposed code changes went through the public review process, providing an opportunity for comment and appeal through written or verbal comment. The initial review period ran from August 26, 1999 through September 28, 1999. This review period was interrupted during the appeal period for the SEPA, which also received public notice. Review for the subsequent changes was provided to stakeholders between December 7, 2000 through January 12, 2001.

ANALYSIS - SEPA

This proposal is for adoption of legislation and is defined as a non-project action. This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800), therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal, which meets the definition of action and is not categorically exempt.

The disclosure of the potential impacts from this proposal was made in the original environmental checklist submitted by the applicant in August, 1999 and amended on December 28, 2000 for the current review. The information in the checklist and its supplement, the actual legislation, other information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Projects subject to the provisions of this amendment may be reviewed for their individual site-specific environmental impacts. Certain projects will have to disclose the impacts that result from the changes proposed in this legislation throughout the SEPA process.

Land use

The proposed changes to the Shoreline Code (SMC 23.60) will further clarify the type of telecommunication devices allowed in certain Shoreline Environments. These revisions would likely result in the following:

- Regulations would further distinguish between major and minor communication utilities and accessory communication devices
- Major communication utilities would continue to be prohibited in the Shoreline
- Minor communication utilities and accessory communication devices (except free standing transmission towers) would be permitted only in shoreline environments where non-water dependant commercial uses are already permitted
- Urban Waterfront provisions are modified to reflect downtown zone height limits.

Amore specifically, the following specific outcomes should result if the legislation is adopted:

- Radio and TV receiving Antennas allowed to extend up to 10 feet over the height limit in the CR environment
- Height exemption for Radio and TV receiving antennas in the UR, US, UM, UG and UI environments, provided there are additional setbacks from adjacent lots based on the height in relationship to existing grades
- Height exemption for Radio and TV receiving antennas in the US environment, provided they are setback a minimum of 10 feet from a side or rear lot line
- An additional 50 feet in height for radio and TV receiving towers as long as they are setback 10 feet from all property lines in the UH environment
- No height exemptions for transmission towers in the UH environment
- No communication utilities on waterfront lots in the CM environment
- No ability for communication utilities to be reviewed under Special Use Criteria in the CW zone
- Prohibition of major and minor communication utilities in the UR environment
- Prohibition of freestanding transmission towers for minor communication utilities on waterfront lots in the US, UH, UM, UG and UI Environment
- Prohibition of freestanding transmission towers on waterfront lots in the US, UH, UM, UG and UI environments

While the development standards do allow for some additional height for certain radio and TV receiving antenna, this additional height is mitigated particularly where the additional height could be intrusive by requiring proportional setbacks. Further, there is a significant reduction of where freestanding towers can be located as well as limitations on the type of infrastructure and or uses that can be associated with towers in the Shoreline Zone. This limitation on uses is consistent with the State Shoreline Management Act as well as the City's own Shoreline Goals, Policies and Codes, in that it further protects the shoreline from intrusion by uses that are incompatible with maintaining and enhancing the City's Shoreline Environments.

Height, bulk and scale

The adoption of the legislation would limit the placement of new transmission towers and related infrastructure, thereby reducing the height bulk and scale in certain Shoreline Environments. While their prohibition in the shoreline may result in more rooftop placement or other forms of co-location on existing structures, the related impacts, including aesthetics, are often mitigated through placements, design and choice of color.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None.

Signature: _____

Michael Jenkins, Land Use Planner for
Department of Design, Construction and Land Use

Date: _____